

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

HANH NGUYEN,

Plaintiff,

v.

WASHINGTON MUTUAL BANK, N.A.;
et al.,

Defendants.

2:11-cv-1799-LRH-NJK

ORDER

Before the court is plaintiff Hanh Nguyen's ("Nguyen") objection to the court's order denying his motion to reconsider (Doc. #61¹). Doc. #62. Defendants filed an opposition to the motion. Doc. #63.

I. Facts and Procedural History

In September 2007, Nguyen purchased real property through a mortgage note and deed of trust. Eventually, Nguyen defaulted on the mortgage note and defendants initiated non-judicial foreclosure proceedings.

Nguyen filed a complaint against defendants in state court. Doc. #1, Exhibit A. Defendants removed the action to federal court on the basis of diversity jurisdiction. Doc. #1. Subsequently, the defendants filed a motion to dismiss (Doc. #43) which was granted by the court (Doc. #51). In

¹ Refers to the court's docket entry number.

1 response, Nguyen filed a motion to reconsider (Doc. #55) which was denied by the court
2 (Doc. #61). Thereafter, Nguyen filed the present objection. Doc. #62.

3 **II. Discussion**

4 In its order denying the motion for reconsideration, the court stated the following:

5 In her motion, Nguyen contends that this court was without jurisdiction to
6 hear this action, and therefore, all of the court's orders were in error. The
7 court disagrees. As addressed at length in the court's order denying her
8 motion to remand (Doc. #7), the exercise of diversity jurisdiction is
appropriate in this matter because there is complete diversity between the
parties. *See* Doc. #15. Thus, it was not error for the court to exercise
jurisdiction in this action and enter its prior orders.

9 Doc. #61. Nguyen objects to the court's ruling on the basis that her motion did not challenge the
10 court's jurisdiction. *See* Doc. #62 ("The court has confused me with someone else. My motion said
11 no such thing."). However, Nguyen's motion did, in fact, suggest and argue that the court
12 improperly exercised its jurisdiction by failing to grant her motion to remand. *See* Doc. #55, p.5-6.
13 Thus, the court properly construed and rejected Nguyen's jurisdictional argument. Therefore, the
14 court finds that it did not err in its prior order and shall deny Nguyen's objections.

15
16 IT IS THEREFORE ORDERED that plaintiff's objection to the court's order (Doc. #62) is
17 DENIED.

18 IT IS SO ORDERED.

19 DATED this 19th day of December, 2013.

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22 LARRY R. HICKS
23 UNITED STATES DISTRICT JUDGE
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